

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CR-229-D

| | | |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| v. | : | <u>ORDER FOR DISMISSAL</u> |
| | : | |
| DERRICK TIMOTHY RUFFIN | : | |

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed herein, the United States Attorney for the Eastern District of North Carolina, hereby dismisses the Indictment against the above-captioned defendant for the following reason:

Based on the decision in United States v. Simmons, 2011 WL 3607266 (4th Cir. 2011), the defendant has not been convicted of a crime punishable by imprisonment for a term exceeding one year. As a result, the defendant cannot be prosecuted federally for felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

Respectfully submitted this 25th day of August, 2011.

THOMAS G. WALKER
United States Attorney

/s/ Ethan A. Ontjes
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Leave of Court is granted for the filing of the foregoing dismissal.

James C. Dever
JAMES C. DEVER, III
United States District Judge

DATE: 8/25/11